



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
136 E. SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

IN REPLY REFER TO

3800
(U-942)

FEB 23 1982

Sherri C. Strawser
130 South 900 East
Salt Lake City, Utah 84102

Ms. Strawser:

Pursuant to your request of February 12, 1982 of a non-governing opinion from the Bureau of Land Management, as to the status of valid existing rights of two specific mining claims, the records purport the following information:

The lands of concern are located in T. 2 S., R. 4 E., Section 3 and 10, SLM, Utah, and comprise of Maple No. 1, Maple No. 2, a.k.a. George No. 1 and George No. 2, unpatented mining claims (hereafter the claims).

The question of pedus possessio of the said claims has been discussed among members of this office, as well as, members of the State Solicitor's Office.

To reflect the information available in BLM records to date, the course of events are, thus; In April 1980, Mr. Gene Gray located the said claims. In June 1980, and in August 1981, Mr. George Clegg and Western International located the claims respectively. And in January 1982, the claims were located by yourself.

The original locator, Mr. Gray, to whom Western International conveyed 100% of their interest, failed to file an Intent to Hold or Affidavit of Assessment Work on or before December 30, 1981, as required by law. The original location was properly declared abandoned and void by BLM decision effective December 30, 1981, rendering the claims open for relocation as of December 30, 1981.

April 1980	June 1980		August 1981		Jan. 1982
X	X	X	X	X	X
Gray	Clegg	Dec. 1980	Western	Dec. 30th 1981	Strawser
X				open to X relocation	S

This decision however, is still available for appeal to IBLA, and should not be considered final judgement.

It is the opinion that Mr. Gray had pedus possessio from his date of location on April 1980, until his claim was declared abandoned and void as of December 30, 1981, which then and only then open the claims for relocation. Any claims located between these dates possess no valid rights as lands were already appropriated.

Ms. Strawser, it is the general concept that first in time, first in right.

After the lands were open to relocation the first valid locator gains pedus possessio. Further; it must be realized that any action to gain clear title rights is a matter of civil court decision and decree, and it may be wished that contact of legal assistance be made for proper advising and filing.

In answer to your second question of BLM mineral reports, better information may be available by contacting Brent Clay of the Salt Lake District Office, telephone number 524-5348. Please feel free to contact this office if any further assistance can be offered.

A handwritten signature in cursive script, reading "Canell Barnes". The signature is written in dark ink and is positioned above the typed name and title.

Chief, Branch of Lands and
Minerals